

Appl. No. 09/966,386
Amtdt. dated 02/22/2005
Reply to Office Action of 11/19/2004

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FEB 22 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	:	09/966,386	Confirmation No. 5088
Applicant	:	Len Schultz	
Filed	:	09/28/2001	
TC/A.U.	:	2114	
Examiner	:	LE, DIEU MINH T	
Docket No.	:	42390P5728	
Customer No.	:	8791	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE

Sir:

In response to the Office Action of 11/19/2004, please consider the following Response to an outstanding Office Action for the above-identified application as follows:

The Claims are reflected in the listing of claims which begins on page 2 of this paper. No claims are amended by this Response.

Remarks/Arguments begin on page 6 of this paper.

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

TELEPHONE: (714) 557-3800

INTELLECTUAL PROPERTY LAW
12400 WILSHIRE BOULEVARD, 7TH FLOOR
LOS ANGELES, CA 90025

FACSIMILE: (714) 557-3347

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FEB 22 2005

Deliver to: Dieu Minh T. Le, USPTO
 Facsimile No.: 703 872-9306
 From: James Henry, Reg. No. 41,064
 Our Docket No.: 42390PS728
 Application No.: 09/966,386

Art Group: 2114
 Date: February 22, 2005
 Number of pages 13, including this sheet.
 Filing Date: 9/28/2001
 Docket Due Date(s): 2/19/2005

Enclosed are the following documents:

Amendment: Response (9 pgs)
 Appeal Brief (pgs)
 Application: (pgs) w/cover & abstract)
 Assignment & Cover Sheet (pgs)
 Certificate of Facsimile
 Continued Prosecution Application (CPA)
 Declaration & POA (pgs)
 Drawings: sheets, figures
 Extension of Time:
 Fee Transmittal (in duplicate)
 IDS & PTO/SB/08 (pgs)
 Other

Issue Fee Transmittal
 Notice of Appeal
 Petition for:
 Request for Continued Examination (RCE)
 Reply Brief (pgs)
 Request & Certification Under 35 USC 122(b)(2)(B)(i)
 Request to Rescind Previous Nonpublication Request
 Response to Notice of Missing Parts & Formalities Letter
 Response to Written Opinion (pgs)
 Terminal Disclaimer
 Transmittal of Publication Fee Due
 Transmittal Letter

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.84)

I hereby certify that this correspondence is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office.


Pat Sullivan 02/22/2005
 Date

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If you do not receive all the pages, or if there is any difficulty in receiving, please call: (714) 557-3800 and ask for Pat Sullivan.

FEE TRANSMITTAL for FY 2005 <small>Patent fees are subject to annual revision.</small>		<i>Complete if Known</i>			
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.		Application Number	09/966,386		
		Filing Date	September 28, 2001		
		First Named Inventor	Len Schultz		
		Examiner Name	Dieu Minh T. Le		
		Art Unit	2114		
		Attorney Docket No.	42390P5728		
METHOD OF PAYMENT (check all that apply)					
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____					
<input checked="" type="checkbox"/> Deposit Account Deposit Account Number: <u>02-2666</u> Deposit Account Name: <u>Blakely, Sokoloff, Taylor & Zafman LLP</u>					
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)					
<input checked="" type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee					
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) <input checked="" type="checkbox"/> Credit any overpayments					
FEE CALCULATION					
Large Entity	Small Entity				
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	Fee Paid
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	_____
2053	130	2053	130	Non-English specification	_____
1251	120	2251	60	Extension for reply within first month	_____
1252	450	2252	225	Extension for reply within second month	_____
1253	1,020	2253	510	Extension for reply within third month	_____
1254	1,590	2254	795	Extension for reply within fourth month	_____
1255	2,160	2255	1,080	Extension for reply within fifth month	_____
1401	500	2401	250	Notice of Appeal	_____
1402	500	2402	250	Filing a brief in support of an appeal	_____
1403	1,000	2403	500	Request for oral hearing	_____
1451	1,510	2451	1,510	Petition to institute a public use proceeding	_____
1460	130	2460	130	Petitions to the Commissioner	_____
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	_____
1806	180	1806	180	Submission of Information Disclosure Stmt	_____
1809	790	1809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	_____
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	_____
Other fee (specify) RCE Transmittal Fee					
SUBTOTAL (2)				(\$)	
				790.00	

SUBMITTED BY		<i>Complete if applicable</i>		
Name (Print/Type)	James Henry	Registration No. (Attorney/Agent)	41,064	Telephone
				(714) 557-3800
Signature			Date	02/22/05

Based on PTO/SD/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (wir) 12/15/2004.
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

FEE TRANSMITTAL for FY 2005		<i>Patent fees are subject to annual revision</i>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.		Complete if Known Application Number <u>09/966,386</u> Filing Date <u>September 28, 2001</u> First Named Inventor <u>Len Schultz</u> Examiner Name <u>Dieu Minh T. Le</u> Art Unit <u>2114</u> Attorney Docket No. <u>42390PS728</u>	
TOTAL AMOUNT OF PAYMENT	(\$)	790.00	

METHOD OF PAYMENT (check all that apply)

<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____
<input checked="" type="checkbox"/> Deposit Account Deposit Account Number: <u>02-2666</u> Deposit Account Name: <u>Blakely, Sokoloff, Taylor & Zafman LLP</u>
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)
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<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) <input checked="" type="checkbox"/> Credit any overpayments
under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.

FEES CALCULATION

Large Entity	Small Entity	Fee Description	Fee Paid
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Other fee (specify) <u>RCE Transmittal Fee</u>			
SUBTOTAL (2)			(\$)
790.00			

SUBMITTED BY		Complete (if applicable)		
Name (Print/Type)	James Henry	Registration No. (Attorney/Agent)	41,064	Telephone (714) 557-3800
Signature				Date 02/22/05

Based on PTO/SB/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (wir) 12/15/2004.
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